

'42.1308 Permissible Amounts of Marijuana

A person in possession of a current and valid verification **State ID** Card, who is within the jurisdictional limits of the City, is not subject to arrest by the SDPD for possession of marijuana, or detention by the SDPD longer than necessary to verify his or her status, or seizure by the SDPD of marijuana in his or her possession, if the amount of medicinal cannabis possessed is within the following limits:

- a) *Processed Marijuana - Medical Cannabis Patients.* An individual who is a *medical cannabis patient* may possess the total amount of *processed marijuana*, regardless of growing method, recommended by his or her physician for the length of time recommended by the physician, not to exceed one pound, or an amount consistent with the physician=s recommendation,~~whichever is less.~~
- b) *Processed Marijuana - Primary Caregivers.* An individual who is a *primary caregiver* may possess no more than the amount specified above for each *medical cannabis patient* for whom the individual serves as a verified *primary caregiver* as defined in section 42.1302(a) not to exceed two pounds, or an amount consistent with the physician=s recommendation,~~whichever is less.~~
- c) *Indoor Plants - Medical Cannabis Patients.* A *medical cannabis patient* may possess a maximum of twenty-four unharvested plants growing in an area of no more than 64 square feet, or an amount consistent with the physician=s recommendation,~~whichever is less.~~
- d) *Indoor Plants - Primary Caregivers.* A *primary caregiver* may possess no more than the amount of medical cannabis specified above and growing in the space specified above in subsection c, for each *medical cannabis patient* for whom the individual serves as a verified *primary caregiver* as defined above in section 42.1302(a), not to exceed a total of ~~forty-eight~~ **ninty-nine** plants in a growing area not to exceed 94 square feet, or an amount consistent with the recommendation of the physician or physicians,~~whichever is less.~~
- e) *Outdoor/Greenhouse Plants* No **unsupervised** outdoor marijuana cultivation shall be permitted. Growing marijuana shall only be permitted in a fully enclosed **yard with a six foot fence perimeter or a** greenhouse or structure that must be locked and contained. The amount of marijuana grown in the enclosed **yard with a six foot fence perimeter or a** greenhouses or structures that are locked and contained shall not exceed the permissible amounts for indoor plants according to sections 42.1311(c) and 42.1311(d) above.
- f) Possession of cannabis in amounts which exceed those set forth in this section by individuals asserting medical necessity or *primary caregiver* status will be evaluated by SDPD on a case by case basis according to the totality of the circumstances, taking into account facts such as whether the person is in possession of a current valid verification card, and whether the amount possessed is consistent with a physician=s recommendation.

("Permissible Amounts of Marijuana" added; "Expiration" renumbered to Sec. 42.1310 and amended 9-29-2003 by O-19218 N.S.)

§42.1308 Permissible Amounts of Marijuana

- 1) A person in possession of a current and valid **[STATE ID CARD]**, who is within the jurisdictional limits of the City, is not subject to arrest by the SDPD for possession of marijuana, or detention by the SDPD longer than necessary to verify his or her status, or seizure by the SDPD of marijuana in his or her possession, if the amount of medicinal cannabis possessed is within the following limits:
 - a) *Processed Marijuana - Medical Cannabis Patients.* An individual who is a *medical cannabis patient* may possess the total amount of *processed marijuana*, regardless of growing method, recommended by his or her physician for the length of time recommended by the physician, not to exceed one pound, or an amount consistent with the physician's recommendation.
 - b) *Processed Marijuana - Primary Caregivers.* An individual who is a *primary caregiver* may possess no more than the amount specified above for each *medical cannabis patient* for whom the individual serves as a verified *primary caregiver* as defined in section 42.1302(a) not to exceed two pounds, or an amount consistent with the physician's recommendation.
 - c) *Indoor Plants - Medical Cannabis Patients.*
 - i) A *medical cannabis patient* may possess a maximum of twenty-four unharvested plants, growing in an area of no more than 64 square feet, or an amount consistent with the physician's recommendation.
 - d) *Indoor Plants - Primary Caregivers.*
 - i) A *primary caregiver* may possess no more than the amount of medical cannabis specified above and growing in the space specified above in subsection c, for each *medical cannabis patient* for whom the individual serves as a verified *primary caregiver* as defined above in section 42.1302(a), not to exceed a total of ninety-nine plants in a growing area not to exceed 94 square feet, or an amount consistent with the recommendation of the physician or physicians.
 - e) *Outdoor/Greenhouse Plants*
 - i) No **UNSUPERVISED** outdoor marijuana cultivation shall be permitted. Growing marijuana shall only be permitted in a fully enclosed **YARD WITH A SIX FOOT FENCE PERIMETER** or a greenhouse or structure that must be locked and contained. The amount of marijuana grown in the enclosed **YARD WITH A SIX FOOT FENCE PERIMETER** or greenhouses or structures that are locked and contained shall not exceed the permissible amounts for indoor plants according to sections 42.1311(c) and 42.1311(d) above.
 - f) Possession of cannabis in amounts which exceed those set forth in this section by individuals asserting medical necessity or *primary caregiver*

status will be evaluated by SDPD on a case by case basis according to the totality of the circumstances, taking into account facts such as whether the person is in possession of a current valid verification card, and whether the amount possessed is consistent with a physician's recommendation.

("Permissible Amounts of Marijuana" added; "Expiration" renumbered to Sec. 42.1310 and amended 9-29-2003 by O-19218 N.S.)

The phrase "whichever is less has been deleted from the relevant paragraphs.